

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

MIGUEL QUINONES,

Petitioner,

v.

CIVIL ACTION NO. 5:06-cv-00469

HON. MAGISTRATE JUDGE R. CLARK
VANDERVORT,

Respondent.

JUDGMENT ORDER

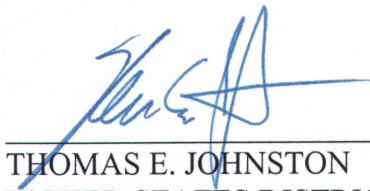
Pending before the Court is Magistrate Judge Taylor's Proposed Findings and Recommendation (PF&R) [Docket 4]. By Standing Order entered on August 1, 2006, and filed in this case on December 12, 2006, this action was referred to United States Magistrate R. Clarke VanDervort for submission of proposed findings and a recommendation. By Order dated January 23, 2007 [Docket 3], the reference to Magistrate Judge VanDervort was withdrawn due to a conflict and the matter was transferred to Magistrate Judge Maurice Taylor. Magistrate Judge Taylor filed his PF&R on May 2, 2007. In that filing, the magistrate judge recommended that this Court deny Petitioner's Petition for a Writ of Mandamus [Docket 1] and remove this matter from the Court's docket. This Court adopts Magistrate Judge Taylor's recommendation in its entirety.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In this case, pursuant

to 28 U.S.C. § 636(b)(1)(B), and Rule 6(e) and 72(b) of the Federal Rules of Civil Procedure, objections to the PF&R were due by May 18, 2007. To date, no objections have been filed.

Accordingly, the Court hereby **DENIES** Petitioner's Petition for a Writ of Mandamus [Docket 1] and **DIRECTS** the Clerk to remove this action from the Court's docket. The Court further **DIRECTS** the Clerk to send a copy of this Judgment Order to Magistrate Judge Taylor, Magistrate Judge VanDervort, counsel of record and any unrepresented party.

ENTER: November 8, 2007

A handwritten signature in blue ink, appearing to read 'Th. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE